

**HOGUET NEWMAN  
REGAL & KENNEY, LLP**

10 East 40th Street  
New York, New York 10016

Tel 212.689.8808  
Fax 212.689.5101  
www.hnrklaw.com

March 25, 2014

**Via ECF and Fax**

Hon. Paul G. Gardephe  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007-1312

Re: Lockheed Martin Corporation v. MTA Capital Construction Co. and Metropolitan  
Transp. Auth., 09-CV-4077 (PGG) (GWG)

Dear Judge Gardephe:

We represent MTA Capital Construction Company and the Metropolitan Transportation Authority (collectively, "MTA") in the above-referenced action. We write in response to the letter received today from counsel for the Lockheed Martin Company regarding whether the Court should hear live witnesses at trial.

MTA does not believe that live witnesses are necessary for any of the factual issues to be presented to the Court. In our view, the intricacy of the facts in this case makes direct testimony via written affidavits more practical and useful than live testimony. As for experts, however, we believe the Court may find live testimony helpful, given the highly analytical nature of the opinions to be offered. We anticipate calling 4-5 experts.

Insofar as counsel's suggestions for streamlining, we are available for a conference to discuss these ideas at the Court's convenience.

Thank you for consideration.

Respectfully submitted,

  
Ira J. Lipton

cc: Matthew A. Taylor, Esq.  
Michael Chartan, Esq.  
Adam Friedman, Esq.